

First Extraordinary Session, 2011

SENATE BILL NO. 10

BY SENATOR MARTINY

CENSUS. Provides relative to provisions in Title 26 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics.

1 AN ACT

2 To amend and reenact R.S. 26:351(7), 493.1, 583(C)(2), 597(A), and 598(A), relative to
3 provisions of Title 26 (Liquors - Alcoholic Beverages) of the Louisiana Revised
4 Statutes of 1950, which are limited in applicability to certain political subdivisions
5 or local areas based upon population classifications; to specify applicability to one
6 or more political subdivisions or local areas; to adjust population categories to retain
7 applicability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 26:351(7), 493.1, 583(C)(2), 597(A), and 598(A) are hereby
10 amended and reenacted to read as follows:

11 §351. Limitation on size of containers of beverages of high alcoholic content;
12 standards of fill

13 Except for wines, no manufacturer or wholesaler in this state shall have in his
14 possession any beverages of high alcoholic content outside of his bonded stockroom
15 unless they are in containers of no greater capacity than 1.75 liters. The standards
16 of fill shall be the following:

17 * * *

(7) Notwithstanding the provisions of Paragraph (6) or any other law to the contrary, ~~in parishes with a population of four hundred thousand or more, and in the~~ parishes of ~~Caddo~~, Bossier, **Caddo**, Calcasieu, **East Baton Rouge, Jefferson, Lafayette, Orleans, Ouachita, and** Rapides, ~~and Ouachita, regardless of population~~ and parishes with a population of not less than three hundred sixty thousand and not more than four hundred ten thousand, beverages of high alcoholic content may be sold in or shipped into this state in fifty milliliter containers and stored by licensed wholesale dealers only for the purpose of sale to licensed retail dealers who own or operate hotels or motels which consist of sleeping rooms, cottages, or cabins, for purposes of sale at retail in the sleeping rooms, cottages, or cabins only. The sale of fifty milliliter containers from wholesalers to retailers shall be made only in full sealed case lots as delivered from the manufacturer to the wholesaler, and the cases shall remain sealed until such time as the sale and delivery to the retailer are completed.

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§493.1. Local regulatory ordinances; bar closing in certain municipalities

In addition to the provisions of R.S. 26:493 the governing authority of any municipality within a parish with a population between fifty-three thousand and ~~fifty-seven~~ **sixty** thousand persons according to the most recent federal decennial census may enact ordinances to regulate the closing times of bars located within the municipality, subject to approval by a majority of the qualified electors of the municipality voting at an election held for the purpose.

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§583. Effect of merger

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C.

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(2) Notwithstanding any other provision of law to the contrary, any parish with a population between forty thousand and ~~forty-five~~ **fifty** thousand, based upon

the latest federal decennial census, shall not be subject to the provisions of Subsections A and B of this Section and shall retain the legal sales characteristics as provided for by referendum prior to any annexation or reapportionment.

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§597. Alcoholic beverage sales in restaurants; authorization for propositions to be submitted to voters in certain elections

A.~~(1)~~ The governing authority of ~~any municipality established by legislative charter with a population of not less than thirteen thousand nor more than fourteen thousand~~ **Minden** may submit to the voters in any election held in compliance with provisions of either R.S. 18:402(A), (B), or (F) a proposition that would determine whether or not the business of selling alcoholic beverage only in a restaurant may be conducted and licensed therein; ~~however~~

(2) However, any municipality with a population of not less than two thousand five hundred and not more than three thousand five hundred that has issued a license or permit after May 1, 2003, and on or before June 15, 2003, authorizing the sale and service of alcoholic beverages for consumption on the premises shall not be required to conduct an election notwithstanding any other law to contrary.

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§598. Alcoholic beverage sales in restaurants; authorization for propositions to be submitted to voters in certain elections

A. Notwithstanding any other provision of law to the contrary, in a municipality having a population of not less than ~~two thousand eight hundred eighty~~ **two thousand eight hundred twenty-five** and not more than ~~two thousand nine hundred fifty~~ **two thousand eight hundred seventy-five** according to the latest federal decennial census, the governing authority may submit to the voters in any election held in compliance with provisions of R.S. 18:402, a proposition to determine whether or not the business of selling alcoholic beverages in a restaurant may be conducted and licensed only within the incorporated limits of the municipality.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

DIGEST

Martiny (SB 10)

Proposed law, contained in Title 26 (Liquors - Alcoholic Beverages) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by enacting local bills to limit the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 26:351(7) - Limitations on size of containers of beverages of high alcoholic content	Parishes with a population of 400,000+ Parishes with a population of 360,000 - 410,000	Parishes of Jefferson and Orleans (both 1980, 1990, and 2000 census) East Baton Rouge Parish (1990, 2000 census)	Parishes of East Baton Rouge, Jefferson, and Orleans
R.S. 26:493.1 - Closing times of bars	Municipality within a parish with a population of 53,000 - 57,000	Parishes of St. Mary and Vermilion (both 2000 census)	Municipality within a parish with a population of 53,000 - 60,000
R.S. 26:583(C)(2) - Effect of merger	Parish with a population of 40,000 - 45,000	Parishes of Avoyelles, Lincoln, St. John the Baptist, Washington, and Webster (all 2000 census)	Parish with a population of 40,000 - 50,000
R.S. 26:597(A) - Submission to voters to permit sale of alcohol in restaurants	Municipality established by legislative charter with a population of 13,000 - 14,000	Minden (2000 census)	Minden
R.S. 26:598(A) - Submission to voters to permit sale of alcohol in restaurants	Municipality with a population of 2,880 - 2,950	Many (2000 census)	Municipality with a population of 2,825 - 2,875

(Amends R.S. 26:351(7), 493.1, 583(C)(2), 597(A), and 598(A))